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VELAN LAW FIRM

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United States District Court

NORTHERN DISTRICT OF CALIFORNIA

E-filing

ANNA DUBROVA and DAVID SHAFRANSKIY,
Individually and as Successors In Interest to
MIKHAIL SHAFRANSKIY, deceased

SUMMONS IN A CIVIL CASE

CASE NUMBER:

JL

CV 07

5755

V.

SAN FRANCISCO MARITIME (NATIONAL
HISTORIC PARK), NATIONAL PARK SERVICE,
U.S. DEPARTMENT OF THE INTERIOR, Does 1
to 100, Inclusive.

TO: (Name and address of defendant)

SAN FRANCISCO MARITIME (NATIONAL HISTORIC PARK),
NATIONAL PARK SERVICE
U.S. DEPARTMENT OF THE INTERIOR

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

VICTOR LIPOVETSKY, ESQ., SBN 170962
VELAN LAW FIRM, A Professional Corporation
3701 Geary Boulevard, Suite 101
San Francisco, CA 94118

BY FAX

an answer to the complaint which is herewith served upon you, within ^{20/60} days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgement by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

Richard W. Wieking
CLERK

NOV 13 2007

DATE _____

(BY) DEPUTY CLERK

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VELAN LAW FIRM

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AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE

DATE

Service of the Summons and Complaint was made by me ¹

Name of SERVER

TITLE

Check one box below to indicate appropriate method of service☐

Served Personally upon the Defendant. Place where served:

☐

Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left:

☐

Returned unexecuted:

☐

Other (specify):

STATEMENT OF SERVICE FEES

TRAVEL

SERVICES

TOTAL

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on

Date

Signature of Server

Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure

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VELAN LAW FIRM

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ORIGINAL
FILED

NOV 13 2007

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

1 THE VELAN LAW FIRM
2 A Professional Corporation
3 Victor Lipovetsky (SBN. 170962)
4 3701 Geary Boulevard, Suite 101
5 San Francisco, California 94118
6 Telephone: (415) 379-9300
7 Facsimile: (415) 379-9343

8 Attorneys for Plaintiff(s)
9 ANNA DUBROVA and DAVID SHAFRANSKIY,
10 individually and as Successors In Interest to
11 MIKHAIL SHAFRANSKIY, deceased.

E-filing

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA

JL

SAN FRANCISCO DIVISION

14 ANNA DUBROVA and DAVID
15 SHAFRANSKIY, Individually and as Successors
16 In Interest to MIKHAIL SHAFRANSKIY,
17 deceased,

CASE NO.

CV 07
COMPLAINT

5755

Plaintiffs,

- GENERAL NEGLIGENCE
- SURVIVAL ACTION
- PREMISES LIABILITY

v.

DEMAND FOR JURY TRIAL

18 SAN FRANCISCO MARITIME (NATIONAL
19 HISTORIC PARK), NATIONAL PARK
20 SERVICE, U.S. DEPARTMENT OF THE
21 INTERIOR, DOES 1 through 100, Inclusive.

BY FAX

Defendants.

GENERAL ALLEGATIONS COMMON TO ALL CAUSES OF ACTION

22 1. **Jurisdiction.** This court has jurisdiction over this complaint because it arises
23 under the laws of the United States and since the Defendants are members of the U.S.
24 Government and the accident occurred on U.S. Government property.

25 2. **Venue.** Venue is appropriate in this court because the defendants reside in
26 this District and are doing business in the City and County of San Francisco, State of
27 California and the subject acts alleged in the complaint occurred in the City and County of
28 San Francisco.

1 3. **Intradistrict Assignment.** This lawsuit should be assigned to the San Francisco
2 Division of this Court because a substantial part of the events or omissions which give rise to
3 this lawsuit occurred in the City and County of San Francisco.

4 4. The true names or capacities, whether individual, corporate, associate or
5 otherwise, of defendants DOE 1 through DOE 100, inclusive, are presently unknown to
6 plaintiffs, who therefore sue said defendants by such fictitious names. Plaintiffs are informed
7 and believe and thereon allege that each defendant designated herein as "DOE" is legally
8 responsible for certain acts or failures to act or the events, happenings and damages hereinafter
9 alleged. Plaintiffs are unaware of the precise actions of said fictitious DOE defendants and
10 prays leave to amend this Complaint, with appropriate charging allegations, upon ascertaining
11 the true identify and capacity of, and theory of liability against, said defendants.

12 5. Plaintiffs are informed and believe, and thereon allege, that at all times mentioned
13 herein, defendants, and each of them, in doing the things hereinafter alleged, were the agents,
14 ostensible agents, servants, employees, joint venturers and/or contractors of their co-defendants
15 and that said defendants were directed and/or controlled each by the other and were as such
16 acting within the scope of such agency, service, employment, joint venture and/or contract and
17 that each and every defendant as aforesaid, when acting as a principal, agent, servant,
18 employee, joint venturer and/or contractor, was negligent in the selection and hiring of each and
19 every other defendant as its agent, servant, employee, joint venturer and/or contractor.

20 6. Pursuant to Section 377.30 of the Code of Civil Procedure, ANNA DUBROVA and
21 DAVID SHAFRANSKIY are entitled to bring this action as the successors in interest to their
22 deceased father, MIKHAIL SHAFRANSKIY. ANNA DUBROVA and DAVID
23 SHAFRANSKIY have filed the required Declarations under Section 377.32 of the California
24 Code of Civil Procedure certifying that they are the successors in interest to their deceased
25 father, MIKHAIL SHAFRANSKIY

26
27 7. At all times mentioned, defendants, SAN FRANCISCO MARITIME (NATIONAL
28 HISTORIC PARK), NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE

1 INTERIOR, Does 1 to 100, operated under the laws of the United States Government and
2 functioned in the capacity of Owner/Operator, Administrator, and are engaged in the business of
3 operating parks.

4 8. On August 7, 2005, Decedent MIKHAIL SHAFRANSKIY was a pedestrian walking
5 on the walkway between the restroom and the pier on the right side of Van Ness Avenue
6 approaching McDowell Avenue, in San Francisco, California, an area maintained and owned by
7 defendants,. SAN FRANCISCO MARITIME (NATIONAL HISTORIC PARK), NATIONAL
8 PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR, DOES 1 through 100. There
9 were no signs posted or warnings of any kind and there was a failure to provide a safe and secure
10 environment where the Decedent, MIKHAIL SHAFRANSKIY, was walking. The area was not
11 properly maintained, inspected, not properly timely fixed, not kept in good order, and not kept up
12 to the Code thereby in violation of the Code. As a result of these conditions, there was an
13 elevated and uneven sidewalk , and he was walking on the sidewalk in this area over which he
14 tripped. As a result of these conditions, there were very unsafe conditions present, and when the
15 Decedent, MIKHAIL SHAFRANSKIY, was walking in the area he fell down. As a result this
16 caused him to be thrown off balance and suddenly to fall down causing multiple serious injuries.
17

18 9. As a direct and proximate result of all defendants' actions described above and below,
19 the victim MIKHAIL SHAFRANSKIY suffered multiple serious injuries, was hospitalized, and
20 ultimately died on September 30, 2007.
21

22 10. At all times herein mentioned, defendants inclusive, and each of them were
23 negligent, incompetent, reckless, in the entrustment, operation, ownership, and control of said
24 location involving MIKHAIL SHAFRANSKIY, Deceased, at the time and place herein
25 described.
26

27 11. At all times herein mentioned, defendants, and each of them, owned, operated,
28 maintained, entrusted and controlled said premises in total disregard of the safety of pedestrians;
3

1 violated their duty to take the precautions necessary and available to guard and warn persons
2 against the dangerous consequences of falling and further violated their duty to safely equip,
3 control, entrust, maintain, and operate the premises in which public are walking.

4 12. At all times herein mentioned said defendants SAN FRANCISCO MARITIME
5 (NATIONAL HISTORIC PARK), NATIONAL PARK SERVICE, U.S. DEPARTMENT OF
6 THE INTERIOR, DOES 1 through 100. violated one or more of the following negligent acts or
7 omissions:

8 a) Failure to provide a safe and secure environment in the place where the pubic was
9 walking;

10 b) Failure to make sure that the area was properly marked and that the public be
11 provided with any warnings of assistance to the public when said warnings were clearly
12 necessary;

13 c) Were otherwise careless and negligent.

14 13. At all times herein mentioned, said Code sections were designed to protect a class
15 of persons, to which Decedent belonged, to wit: members of the general public affected by
16 conditions within the scope of the Code sections.

17 14. That said defendants' violations of said Code sections constitute a presumption
18 that said defendants were negligent per se.

19 15. That as a direct and proximate result of defendants' negligence per se, plaintiffs
20 and plaintiffs' Decedent sustained the injuries and suffered the damages set forth above.

21 **FIRST CAUSE OF ACTION**
22 **(General Negligence)**

23 **FOR PLAINTFFS, ANNA DUBROVA AND DAVID SHAFRANSKIY,**
24 **INDIVIDUALLY AND AS SUCCESSORS IN INTEREST TO THEIR FATHER,**
25 **MIKHAIL SHAFRANSKIY, DECEASED,**
26 **AGAINST ALL DEFENDANTS, AND EACH OF THEM**

27 Plaintiffs, ANNA DUBROVA and DAVID SHAFRANSKIY, as successors in interest to
28 MIKHAIL SHAFRANSKIY, deceased, alleges against all defendants, and each of them:

16. Plaintiffs incorporate Paragraphs1 through 15 above as though fully set forth

herein.

17. On or about August 7, 2005, Defendants and each of them acted negligently with respect to MIKHAIL SHAFRANSKIY.

18. All Defendants' negligent acts caused injuries to the Plaintiffs and the decedent.

SECOND CAUSE OF ACTION
(Survivorship)

**FOR PLAINTIFFS, ANNA DUBROVA AND DAVID SHAFRANSKIY,
INDIVIDUALLY AND AS SUCCESSORS IN INTEREST TO THEIR FATHER,
MIKHAIL SHAFRANSKIY, DECEASED,
AGAINST ALL DEFENDANTS, AND EACH OF THEM**

Plaintiffs incorporate the Preliminary Allegations and Causes of Action herein as though the same were set forth at length herein. As alleged herein above, Defendants are liable in tort for the injuries to Plaintiffs and Decedent.

On or about August 7, 2005, decedent fell causing multiple serious injuries, and as a result he was injured which affected his health and was directly linked to his death on September 30, 2007, as a result of the negligence of defendants, and each of them.

As a direct and proximate result of the negligence and carelessness of defendants, and each of them, and the resulting incident as aforesaid, Decedent sustained severe and serious injury to his person, all to Plaintiffs' damage in a sum within the jurisdiction of this Court and to be shown according to proof.

In the treatment of said injuries, Decedent, and Plaintiffs have incurred liability for medical care, the true and exact amount thereof being unknown to Plaintiffs at this time, and Plaintiffs pray leave to amend this Complaint accordingly when the true and exact cost thereof is ascertained.

As a direct and proximate result of said negligence and carelessness of defendants, and each of them, Plaintiffs will incur other pecuniary losses, the full nature and extent of which are not yet know to Plaintiffs, and leave is requested to amend this Complaint to conform to proof at the time of trial.

Plaintiff has lost pre-judgment interest pursuant to Civil Code Section 3291, the

1 exact amount of which Plaintiff prays leave to insert herein when finally ascertained.

2 As a result of the injuries and damages, supra and infra, Plaintiffs have been
3 damaged in a sum in excess of the jurisdictional limits of the United States District Court
4 (Northern District).

5 As a direct and proximate result of the aforementioned actions and inactions of
6 the defendants, Plaintiffs have suffered injuries, damages, loss, and harm as alleged in this
7 Complaint.

8 **THIRD CAUSE OF ACTION**
9 **(Premises Liability)**

10 **FOR PLAINTIFFS, ANNA DUBROVA AND DAVID SHAFRANSKIY,**
11 **INDIVIDUALLY AND AS SUCCESSORS IN INTEREST TO THEIR FATHER,**
12 **MIKHAIL SHAFRANSKIY, DECEASED,**
AGAINST ALL DEFENDANTS, AND EACH OF THEM

13 Plaintiffs incorporate the Preliminary Allegations and Causes of Action herein as
14 though the same were set forth at length herein. As alleged herein above, Defendants are liable
15 in tort for the injuries to Plaintiffs and Decedent.

16 On or about August 7, 2005, decedent was a pedestrian walking in the vicinity of
17 an area maintained and owned by defendants. The Defendants negligently owned, maintained,
18 managed and operated these premises. The Defendant owners failed to guard or warn against a
19 dangerous condition, use, structure, or activity. The defendants had received actual or
20 constructive notice of the defect, the condition was created by employees of the Defendants, and
21 the Defendants acted within the scope of their agency.

22 Plaintiffs were required to file a government claim and have done so prior to filing
23 the Complaint.

24 WHEREFORE, plaintiffs, ANNA DUBROVA and DAVID SHAFRANSKIY pray:

- 25 a. For general and special damages recoverable by plaintiffs, ANNA DUBROVA
26 and DAVID SHAFRANSKIY, in an amount according to proof;
27 b. For personal injury damages according to proof;
28

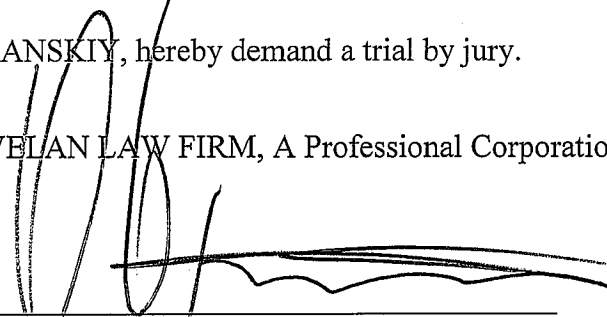
- c. For reimbursement for medical expenses;
- d. For prejudgment interest pursuant to Civil Code Section 3291;
- e. For costs of suit incurred herein; and
- f. For any and all other relief that court may deem just and proper.

DEMAND FOR JURY TRIAL

Plaintiffs, ANNA DUBROVA and DAVID SHAFRANSKIY, Individually and as
Successors in Interest to MIKHAIL SHAFRANSKIY, hereby demand a trial by jury.

DATED: November 13 2007

VELAN LAW FIRM, A Professional Corporation


VICTOR LIPOVETSKY, Attorney for Plaintiffs,
ANNA DUBROVA and DAVID SHAFRANSKIY
Individually and as Successors in Interest to
MIKHAIL SHAFRANSKIY, Decedent

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1 THE VELAN LAW FIRM
 A Professional Corporation
 2 Victor Lipovatsky (SBN. 170962)
 3 3701 Geary Boulevard, Suite 101
 San Francisco, California 94118
 Telephone: (415) 379-9300
 4 Facsimile: (415) 379-9343
 5 Attorneys for Plaintiff(s)
 ANNA DUBROVA and DAVID SHAFRANSKIY,
 6 individually and as Successors in Interest to
 MIKHAIL SHAFRANSKIY, deceased,
 7

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT

11 ANNA DUBROVA and DAVID
 SHAFRANSKIY, Individually and as Successors
 12 In Interest to MIKHAIL SHAFRANSKIY,
 deceased,
 13

Plaintiffs,

v.

16 SAN FRANCISCO MARITIME (NATIONAL
 HISTORIC PARK), NATIONAL PARK
 SERVICE, U.S. DEPARTMENT OF THE
 17 INTERIOR, et al.
 18

Defendants.

DECLARATION BY DECEDENT'S
 SUCCESSOR IN INTEREST
 (CCP § 377.32)

Action Filed:
 Trial Date: None

BY FAX

Declarant ANNA DUBROVA hereby declares that the following is true and correct:

1) The name of the decedent is MIKHAIL SHAFRANSKIY.

2) The date and place of decedent's death is City and County of San Francisco,
 California, September 30, 2007.

3) No proceeding is now pending in California for administration of the decedent's
 estate.

4) The declarant ANNA DUBROVA is the decedent's Successor In Interest as
 defined in Section 377.11 of the California Code of Civil Procedure, and she succeeds to the
 decedent's interest in the action or proceeding. That is true because she was the daughter of

DECLARATION BY DECEDENT'S SUCCESSOR IN INTEREST (CCP § 377.32)

1 decedent. Besides the daughter ANNA DUBROVA decedent had a son named DAVID
2 SHAFRANSKIY, whose declaration is attached. Decedent was unmarried and had no other
3 issue at the time of his death.

4 5) No other person has a superior right to commence the action or proceeding or to be
5 substituted for the decedent in the pending action or proceeding.

6 6) Declarant hereby declares under penalty of perjury under the laws of the State of
7 California that the foregoing is true and correct, and a certified copy of the decedent's death
8 certificate, which is true and correct, is attached to this declaration..

9 I declare under penalty of perjury under the laws of the State of California that the
10 foregoing is true and correct.

11 Dated this 31 day of October, 2007, in Selkirk, New York.

12
13 

14 ANNA DUBROVA, Declarant
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CERTIFICATION OF VITAL RECORD

CITY AND COUNTY OF SAN FRANCISCO

CERTIFICATE OF DEATH

3200738004600

STATE REGISTRATION NUMBER		LOCAL REGISTRATION NUMBER	
1. NAME OF DECEDENT — FIRST (Given)		3. LAST (Family)	
MIKHAIL I		SHAFRANSKIY	
2. MIDDLE		4. DATE OF BIRTH mm/dd/yyyy	
		10/25/1921	
5. AGE Yrs		6. SEX	
85		M	
7. BIRTH STATE/FOREIGN COUNTRY		8. HOURS (24 Hours)	
UKRAINE		0812	
9. SOCIAL SECURITY NUMBER		10. DECEASED RACE — Up to 3 races may be listed (see worksheet on back)	
122-82-3859		CAUCASIAN	
11. EVER IN U.S. ARMED FORCES?		12. MARITAL STATUS (at Time of Death)	
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNK		WIDOWED	
13. EDUCATION — Highest Level (see worksheet on back)		14. DATE OF DEATH mm/dd/yyyy	
DOCTORATE		09/30/2007	
15. WAS DECEDENT HISPANIC/LATINO/SPANISH? (If yes, list words on back)		16. KIND OF BUSINESS OR INDUSTRY (e.g., grocery store, road construction, employment agency, etc.)	
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		HEALTH CARE	
17. USUAL OCCUPATION — Type of work for most of his. DO NOT USE RETIRED		18. YEARS IN OCCUPATION	
DOCTOR		45	
19. DECEDENT'S RESIDENCE (Street and number or location)			
666 ELLIS STREET #304			
20. CITY			
SAN FRANCISCO			
21. COUNTY/PROVINCE			
SAN FRANCISCO			
22. ZIP CODE			
94109			
23. YEARS IN COUNTRY			
3			
24. STATE/FOREIGN COUNTRY			
CA			
25. INFORMANT'S NAME, RELATIONSHIP			
ANNA DUBROVA, DAUGHTER			
26. DECEDENT'S MAILING ADDRESS (Street and number or rural route number, city or town, state, ZIP)			
26 DORCHESTER AVENUE, SILKIRK, NY 12158			
27. NAME OF SURVIVING SPOUSE — FIRST			
28. MIDDLE			
29. LAST (Maiden Name)			
30. NAME OF FATHER — FIRST			
YAKOV			
31. MIDDLE			
32. LAST			
SHAFRANSKIY			
33. BIRTH STATE			
UKRAINE			
34. NAME OF MOTHER — FIRST			
HANNA			
35. MIDDLE			
36. LAST (Maiden)			
SHKLOVSKAYA			
37. BIRTH STATE			
UKRAINE			
38. DATE OF DISPOSITION mm/dd/yyyy			
10/04/2007			
39. PLACE OF FINAL DISPOSITION			
SURSKO LITOVSKOE CEMETERY			
DNEPROPETROVSK, UKRAINE			
40. TYPE OF DISPOSITION(S)			
CR/TR/BU			
41. SIGNATURE OF EMBALMER			
NOT EMBALMED			
42. LICENSE NUMBER			
43. NAME OF FUNERAL ESTABLISHMENT			
COLLEGE CHAPEL MORTUARY			
44. LICENSE NUMBER			
FD794			
45. SIGNATURE OF LOCAL REGISTRAR			
MITCHELL KATZ, MD			
46. DATE mm/dd/yyyy			
10/04/2007			
101. PLACE OF DEATH			
LIGHT WELL			
102. IF HOSPITAL, SPECIFY ONE			
<input type="checkbox"/> IP <input type="checkbox"/> ER/OP <input type="checkbox"/> DOA <input type="checkbox"/> Hospice			
103. IF OTHER THAN HOSPITAL, SPECIFY ONE			
<input type="checkbox"/> Nursing Home/LTC <input type="checkbox"/> Decedent's Home <input checked="" type="checkbox"/> Other			
104. CITY			
SAN FRANCISCO			
105. FACILITY ADDRESS OR LOCATION WHERE FOUND (Street and number or location)			
666 ELLIS STREET			
106. CAUSE OF DEATH			
Enter the chain of events — diseases, injuries, or complications — that directly caused death. DO NOT enter terminal events such as cardiac arrest, respiratory arrest, or ventilator failure without showing the etiology. DO NOT ABBREVIATE.			
IMMEDIATE CAUSE (Final disease or condition resulting in death)			
PENDING			
107. DEATH REPORTED TO CORONER?			
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			
108. BIOPSY PERFORMED?			
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
109. AUTOPSY PERFORMED?			
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			
110. USED IN DETERMINING CAUSE?			
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			
111. OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH BUT NOT RESULTING IN THE UNDERLYING CAUSE GIVEN IN 107			
112. WAS OPERATION PERFORMED FOR ANY CONDITION IN ITEM 107 OR 111? (If yes, list type of operation and date.)			
113. IF FEMALE, PREGNANT IN LAST YEAR?			
<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK			
114. I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE DEATH OCCURRED AT THE HOUR, DATE, AND PLACE STATED FROM THE CAUSES STATED.			
Decedent Attended Since			
Decedent Last Seen Alive			
115. SIGNATURE AND TITLE OF CERTIFIER			
116. LICENSE NUMBER			
117. DATE mm/dd/yyyy			
118. TYPE ATTENDING PHYSICIAN'S NAME, MAILING ADDRESS, ZIP CODE			
119. I CERTIFY THAT IN MY OPINION DEATH OCCURRED AT THE HOUR, DATE, AND PLACE STATED FROM THE CAUSES STATED.			
MANNER OF DEATH <input type="checkbox"/> Natural <input type="checkbox"/> Accident <input type="checkbox"/> Homicide <input checked="" type="checkbox"/> Suicide <input type="checkbox"/> Pending Investigation <input type="checkbox"/> Could not be determined			
120. INJURED AT WORK?			
<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK			
121. INJURY DATE mm/dd/yyyy			
122. HOUR (24 Hours)			
123. PLACE OF INJURY (e.g., home, construction site, wooded area, etc.)			
124. DESCRIBE HOW INJURY OCCURRED (Events which resulted in injury)			
125. LOCATION OF INJURY (Street and number, or location, and city, and ZIP)			
126. SIGNATURE OF CORONER / DEPUTY CORONER			
JUDY MELINEK MD			
127. DATE mm/dd/yyyy			
10/01/2007			
128. TYPE NAME, TITLE OF CORONER / DEPUTY CORONER			
JUDY MELINEK MD, ASST MEDICAL EXAMINER			
STATE REGISTRAR			
A B C D E			
FAX AUTH. #			
CENSUS TRACT			
012007000615014			

STATE OF CALIFORNIA, CITY AND COUNTY OF SAN FRANCISCO
This is to certify that the image reproduced hereupon is a true copy of the record on file in the SAN FRANCISCO DEPARTMENT OF PUBLIC HEALTH as of the date issued.

DATE ISSUED

OCT 19 2007

This copy is not valid unless prepared on an engraved border, displaying the date, seal and signature of the City and County Health Officer.

002554673

Mitchell Katz, M.D.
Health Officer and Local Registrar

ANY ALTERATION OR ERASURE VOID THIS CERTIFICATE

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VELAN LAW FIRM

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PAGE 01

1 THE VELAN LAW FIRM
 A Professional Corporation
 2 Victor Lipovetsky (SBN, 170962)
 3701 Geary Boulevard, Suite 101
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 MIKHAIL SHAFRANSKIY, deceased.
 7

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT

11 ANNA DUBROVA and DAVID
 12 SHAFRANSKIY, Individually and as Successors
 In Interest to MIKHAIL SHAFRANSKIY,
 13 deceased,

Plaintiffs,

v.

16 SAN FRANCISCO MARITIME NATIONAL
 HISTORIC PARK, NATIONAL PARK
 17 SERVICE, U.S. DEPARTMENT OF THE
 INTERIOR, et al.

Defendants.

CASE NO. 07

5755

DECLARATION BY DECEDENT'S
SUCCESSOR IN INTEREST
(CCP § 377.32)

Action Filed:
 Trial Date: None

BY FAX

19 Declarant DAVID SHAFRANSKIY hereby declares that the following is true and correct:

- 20 1) The name of the decedent is MIKHAIL SHAFRANSKIY.
 21
 22 2) The date and place of decedent's death is City and County of San Francisco,
 23 California. September 30, 2007.
 24 3) No proceeding is now pending in California for administration of the decedent's
 25 estate.
 26 4) The declarant DAVID SHAFRANSKIY is the decedent's Successor In Interest as
 27 defined in Section 377.11 of the California Code of Civil Procedure, and he succeeds to the
 28 decedent's interest in the action or proceeding. That is true because he is the son of decedent.

DECLARATION BY DECEDENT'S SUCCESSOR IN INTEREST (CCP § 377.32)

11/09/2007 09:02 14103799142

VELAR LAD FIRM

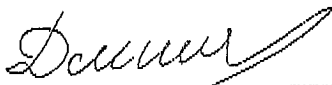
1 Besides the son DAVID SHAFRANSKIY decedent had a daughter named ANNA
2 DUBROVA, whose declaration is attached. Decedent was unmarried and had no other issue
3 at the time of his death.

4 5) No other person has a superior right to commence the action or proceeding or to be
5 substituted for the decedent in the pending action or proceeding.

6 6) Declarant hereby declares under penalty of perjury under the laws of the State of
7 California that the foregoing is true and correct, and a certified copy of the decedent's death
8 certificate, which is true and correct, is attached to this declaration..

9 I declare under penalty of perjury that the foregoing is true and correct.

10 Dated this 10 day of November 2007, in Dnepropetrovsk
11 Ukraine;

12 
13 DAVID SHAFRANSKIY, Declarant
14
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STATE OF CALIFORNIA
CERTIFICATION OF VITAL RECORDCITY AND COUNTY OF
SAN FRANCISCO

CERTIFICATE OF DEATH

3200738004600

STATE FILE NUMBER		DATE OF DEATH USE BLACK INK ONLY (NO ERASURES, WHITEOUTS OR ALTERATIONS) VS-100REV 3/04		LOCAL REGISTRATION NUMBER	
1. NAME OF DECEDENT - FIRST (Given)		2. MIDDLE		3. LAST (Family)	
MIKHAIL				SHAFRANSKIY	
4. DATE OF BIRTH mm/dd/yyyy					
10/25/1921		5. AGE Yrs		85	
6. SEX					
M					
7. DATE OF DEATH mm/dd/yyyy					
09/30/2007		8. HOUR (24 Hours)		0812	
9. BIRTH STATE/FOREIGN COUNTRY					
UKRAINE		10. SOCIAL SECURITY NUMBER		122-82-3859	
11. EVER IN U.S. ARMED FORCES?					
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNK					
12. MARITAL STATUS (at Time of Death)					
WIDOWED					
13. EDUCATION - Highest Level Degree (see worksheet on back)					
DOCTORATE					
14/15. WAS DECEDENT HISPANIC/LATINO/SPANISH? (If yes, see worksheet on back)					
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO					
16. DECEDENT'S RACE - Up to 3 races may be listed (see worksheet on back)					
CAUCASIAN					
17. USUAL OCCUPATION - Type of work for most of life. DO NOT USE RETIRED					
DOCTOR					
18. KIND OF BUSINESS OR INDUSTRY (e.g., grocery store, road construction, employment agency, etc.)					
HEALTH CARE					
19. YEARS IN OCCUPATION					
45					
20. DECEDENT'S RESIDENCE (Street and number or location)					
666 ELLIS STREET #304					
21. CITY					
SAN FRANCISCO					
22. COUNTY/PROVINCE					
SAN FRANCISCO					
23. ZIP CODE					
94109					
24. YEARS IN COUNTY					
3					
25. STATE/FOREIGN COUNTRY					
CA					
26. INFORMANT'S NAME, RELATIONSHIP					
ANNA DUBROVA, DAUGHTER					
27. INFORMANT'S MAILING ADDRESS (Street and number or rural route number, city or town, state, ZIP)					
28 DORCHESTER AVENUE, SILKIRK, NY 12158					
28. NAME OF SURVIVING SPOUSE - FIRST					
29. MIDDLE					
30. LAST (Maiden Name)					
31. NAME OF FATHER - FIRST					
32. MIDDLE					
33. LAST					
YAKOV					
34. BIRTH STATE					
UKRAINE					
35. NAME OF MOTHER - FIRST					
36. MIDDLE					
37. LAST (Maiden)					
HANNA					
38. BIRTH STATE					
UKRAINE					
39. DISPOSITION DATE mm/dd/yyyy					
10/04/2007					
40. PLACE OF FINAL DISPOSITION					
SURSKO LITOVSKOE CEMETERY					
41. TYPE OF DISPOSITION(S)					
CR/TR/BU					
42. SIGNATURE OF EMBALMER					
NOT EMBALMED					
43. LICENSE NUMBER					
44. NAME OF FUNERAL ESTABLISHMENT					
COLLEGE CHAPEL MORTUARY					
45. LICENSE NUMBER					
FD794					
46. SIGNATURE OF LOCAL REGISTRAR					
MITCHELL KATZ, MD					
47. DATE mm/dd/yyyy					
10/04/2007					
101. PLACE OF DEATH					
LIGHT WELL					
102. IF HOSPITAL, SPECIFY ONE					
<input type="checkbox"/> IP <input type="checkbox"/> ER/OP <input type="checkbox"/> DOA <input type="checkbox"/> Hospice <input type="checkbox"/> Nursing Home/ LTC <input type="checkbox"/> Decedent's Home <input checked="" type="checkbox"/> Other					
103. IF OTHER THAN HOSPITAL, SPECIFY ONE					
104. COUNTY					
SAN FRANCISCO					
105. FACILITY ADDRESS OR LOCATION WHERE FOUND (Street and number or location)					
666 ELLIS STREET					
106. CITY					
SAN FRANCISCO					
107. CAUSE OF DEATH					
IMMEDIATE CAUSE (Final disease or condition resulting in death)					
(A) PENDING					
(B)					
(C)					
(D)					
108. DEATH REPORTED TO CORONER?					
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO					
109. DEATH REPORTED TO CORONER?					
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO					
110. AUTOPSY PERFORMED?					
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO					
111. USED IN DETERMINING CAUSE?					
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO					
112. OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH BUT NOT RESULTING IN THE UNDERLYING CAUSE GIVEN IN 107					
113. WAS OPERATION PERFORMED FOR ANY CONDITION IN ITEM 107 OR 112? (If yes, list type of operation and date.)					
114. I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE DEATH OCCURRED AT THE HOUR, DATE, AND PLACE STATED FROM THE CAUSES STATED.					
Decedent Attended Since Decedent Last Seen Alive					
115. SIGNATURE AND TITLE OF CERTIFIER					
116. LICENSE NUMBER					
117. DATE mm/dd/yyyy					
118. TYPE ATTENDING PHYSICIAN'S NAME, MAILING ADDRESS, ZIP CODE					
119. I CERTIFY THAT IN MY OPINION DEATH OCCURRED AT THE HOUR, DATE, AND PLACE STATED FROM THE CAUSES STATED.					
MANNER OF DEATH <input type="checkbox"/> Natural <input type="checkbox"/> Accident <input type="checkbox"/> Homicide <input checked="" type="checkbox"/> Suicide <input type="checkbox"/> Pending Investigation <input type="checkbox"/> Could not be determined					
120. INJURED AT WORK?					
<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK					
121. INJURY DATE mm/dd/yyyy					
122. HOUR (24 Hours)					
123. PLACE OF INJURY (e.g., home, construction site, wooded area, etc.)					
124. DESCRIBE HOW INJURY OCCURRED (Event which resulted in injury)					
125. LOCATION OF INJURY (Street and number, or location, and city, and ZIP)					
126. SIGNATURE OF CORONER / DEPUTY CORONER					
JUDY MELINEK MD					
127. DATE mm/dd/yyyy					
10/01/2007					
128. TYPE NAME, TITLE OF CORONER / DEPUTY CORONER					
JUDY MELINEK MD, ASST MEDICAL EXAMINER					
STATE REGISTRAR					
A B C D E					
FAX AUTH #					
CENSUS TRACT					

STATE OF CALIFORNIA, CITY AND COUNTY OF SAN FRANCISCO
This is to certify that the image reproduced hereupon is a true copy of the record on file in the SAN FRANCISCO DEPARTMENT OF PUBLIC HEALTH as of the date issued.

DATE ISSUED

OCT 19 2007

This copy is not valid unless prepared on an engraved border, displaying the date, seal and signature of the City and County Health Officer.

002554673

Mitchell Katz, M.D.
Health Officer and Local Registrar

ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE